

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID F. LEE,	§
	§
Defendant Below-	§ No. 112, 2012
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 92008406DI
Plaintiff Below-	§
Appellee.	§

Submitted: March 16, 2012

Decided: March 21, 2012

Before **HOLLAND, BERGER**, and **JACOBS**, Justices.

**ORDER**

This 21<sup>st</sup> day of March 2012, it appears to the Court that:

(1) On March 2, 2012, the Court received David Lee’s notice of appeal from a Superior Court Commissioner’s order, dated February 27, 2012, denying Lee’s motion to have his name removed from the sex offender registry. The Senior Court Clerk issued a notice to Lee to show cause why the appeal should not be dismissed as an impermissible interlocutory appeal in a criminal case.<sup>1</sup>

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<sup>1</sup> See *Johnson v. State*, 884 A.2d 475 (Del. 2005).

(2) Lee filed a response to the notice to show cause on March 16, 2012. His response does not address the interlocutory nature of the appeal but instead appears to argue the merits.

(3) Unfortunately, the Court has no jurisdiction over this interlocutory appeal.<sup>2</sup> Lee's right to review of the Commissioner's order is to a judge of the Superior Court in the first instance.<sup>3</sup> Once the Superior Court issues a final order in Lee's case, he will have the right to file a notice of appeal within thirty days of that final order.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>2</sup> See DEL. CONST. art IV, § 11(1)(b).

<sup>3</sup> Del. Super. Ct. Crim. R. 62(a)(4)(ii) (2012).